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#### **Support Coordinator Manual Section D: Introduction to Self-Directed Supports**

Self-Directed Supports (SDS) is an option for service delivery for individuals who wish to exercise more choice, control and authority over their supports. SDS is only an option for persons who live in their own private residence or the home of a family member. SDS is founded on the principles of Self-Determination. Under this option the individual or their designated representative has employment and budget authority.

- Employment authority allows the individual or their designated representative to recruit, hire, train, manage, supervise and fire employees.
- Budget Authority allows the individual or their designated representative flexibility over managing a yearly budget allocation. For example, they may request that more services be authorized in one month and less in another or request to change from one approved waiver service to another as long as they stay within the authorized budget.

Self-direction includes six core components: person-centered planning, individual control of budgets, independent support brokerage, financial management services, a backup plan, quality enhancement & improvement.

The following services may be self-directed:

- Personal Assistance
  - Team Collaboration
- Community Specialist

The support coordinator (SC) will assist the individual or their designated representative in understanding the choice of self-directed supports and transitioning from provider driven to self-directed services. A support broker provides information and assistance in order for the individual or their designated representative to self-direct supports.

The “*Got Choice?*” Handbook on Self-Directed Supports is used as the foundation for understanding and explaining self-directed supports for individuals and their families. The regional office Self-directed Support Coordinator will provide training to SC. A copy of this training can be found on the DMH-DD SDS webpage <http://dmh.mo.gov/dd/progs/selfdirect.html> as well as other information and tools listed in this document.

When an individual chooses to self-direct supports the individual is the employer. The individual may chose a designated representative to support them in managing the day to day activities of the employees.

The Division of DD contracts with a single Vendor Fiscal/Employer Agent (F/EA) Fiscal Management Service (FMS) organization to assist the individual/designated representative with payroll-related functions. These functions include conducting a background screening of employee candidates, collecting required employee qualifications and training information and processing human resource

related forms and information (such as the IRS Form W-4, the US CIS Form I-9 and information necessary to register employees in the state's new hire reporting system), collecting and processing employees' time sheets, processing employees' payroll and the associated federal and state income tax withholding and employment taxes and other related payroll activities (such as issuing annual IRS Forms W-2 and refunding over-collected Medicare and Social Security taxes, as needed).

Self-direction is firmly based in the principal of self-determination. Self-determination refers to individuals or their designated representatives exercising control over their own lives, working toward achieving individualized life goals, and obtaining the skills and supports necessary to realize their visions for the future to build opportunities and relationships. The premise is that when individuals have control of their resources their quality of life will improve and the overall cost of services will decrease.

### **GUIDING PRINCIPLES of SELF-DETERMINATION**

*Self-Determination is a broad concept that means individuals have overall control of their lives and are part of the community. It is based on five basic principles:*

**Freedom:** The individual has the freedom to plan and create a meaningful life.

**Authority:** The individual has authority over the money used to support them. With their budget they can purchase the supports they need to live the life they have chosen. They will pay for only what they need and receive.

**Support:** The individual gets the support they need to live the life they want. They have a circle of supports around them which is made up of family, friends, both paid and unpaid supports, and other natural supports.

**Responsibility:** The individual has the responsibility of using their individual budget wisely, helping with their own support and for giving back to their community. One cannot have freedom without taking on more responsibility. They will assume responsibility for giving back to their community, for seeking employment, and for developing their unique gifts and talents.

**Confirmation:** The individual can be an important part of the community based on what they give back. They can have a leadership role in the design of government and the services used to support all people with developmental disabilities.






### **Choice Has Limits**

Public funds will not be used to support choices which are illegal or harmful to someone receiving supports or others. The choices presented must be available to all. Public funds will be used as the payer of last resort.

Self-determination is not an excuse for leaving someone in an unsafe situation on the grounds that he or she "chose" it. Self-determination is sometimes used as an excuse for letting individuals do things that are unsafe because "it is their choice." It is not acceptable to offer a choice with either too many restrictions or no support at all. Self-determination means becoming more creative in helping an individual find ways to learn decision-making and manage their actions.

**Shifting Patterns**

There is a commitment to help the individual determine their future, respect their wishes, and plan to help them reach their goals. For individuals this creates a shift in patterns:

<b>From</b>		<b>To</b>
Professionals planning for you		You and your 'Circle of Supports' planning for your supports
Counting on a paid professional who is only temporarily part of your life		Reliance on the lifelong commitment of people you have chosen to be in your life, including your family, friends and other natural supports
A view that only professionals can be responsible		Respect for the fact that you, your family, and your friends have a vested interest in acting responsibly on your behalf
Support Coordination as a means to let people into existing services		Individualized support planning as a way for you, your family, and your friends to organize supports in response to your needs and dreams
The belief that quality is created by relying on regulations, oversight and monitoring		The belief that true quality is created by enhancing your circle of supports and connecting you to your community

## **GETTING STARTED**

*The Regional Office Self-Directed Support Coordinator is available to assist with this start-up process and can provide training or guidance.*

- If an individual is interested in directing their own supports they should first talk to their SC. The “Got Choice” SDS Handbook is the tool the SC uses to provide information.  
<http://dmh.mo.gov/dd/progs/selfdirect.html>
- The individual must live in their own private residence or that of a family member.
  - ⚙ Please note that SDS can be chosen *along with* services provided by agency providers in order to meet all of an individual’s needs. SDS shall not duplicate other services. Personal assistance is not available to waiver individuals who reside in community residential facilities (Group Homes and Residential Care Centers). Individuals who receive ISL, Companion or Host Home services, shall not receive personal assistant services at their home, but may receive this service outside the home - as long as it is not included in the ISL budget.
- The individual may utilize the SDS option if they receive funding through Medicaid Waiver or other funding source, pending the Utilization Review and Administrative approval.
- Once approved the SC will send a copy of the approved budget authorization and the budget calculator to the individual and/or their designated representative. The regional office SDSC will send a referral to the Fiscal Management Service (FMS).
- The FMS will contact the individual or their designated representative to assist them with completing all required paperwork to become an employer, completing employee packets and training on using the FMS system.
- The FMS will contact the individual/designated representatives once all required paperwork & employee background screenings are completed. Employees cannot begin to work until approval (ok to work) is provided by the FMS provider.

### **Being an Employer**

When an individual self-directs their supports they are the ‘employer of record’, for individuals under the age of 18 the parent/guardian is the employer. The individual or a designated representative must be able to direct and manage the worker's day to day activities, making sure the services and goals are provided as written in the individual’s plan, and perform other duties of an employer. The FMS files taxes and manages payroll functions for the individual/designated representative. The individual/designated representative must approve all hours worked prior to the FMS paying employees.

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**Designated Representative**

The individual may choose a designated representative (a legal guardian may also designate someone else as a representative) to be responsible to perform their duties as an employer.

A designated representative must: 1) Direct and control the employees' day-to-day activities and outcomes; 2) Ensure, as much as possible, that decisions made would be those of the Individual in the absence of their disability; 3) Accommodate the Individual, to the extent necessary, so that they can participate as fully as possible in all decisions that affect them; accommodations must include, but not be limited to, communication devices, interpreters, and physical assistance; 4) Give due consideration to all information including the recommendations of other interested and involved parties; and 5) The designated representative cannot be paid to provide any supports to the Individual.

Designated Representative can be one of the following:

- ☐ Spouse;      ☐ Adult child of the Individual;      ☐ Parent;      ☐ Adult brother or sister;
- ☐ Another adult relative of the Individual.    ☐ “Other representative”

If the Individual wants a representative but is unable to identify one of the above, the Individual, along with their SC and planning team, may identify an appropriate representative. The 'other representative' must be an adult who can demonstrate a history of knowledge of the Individual's preferences, values, needs, etc. The Individual and his or her planning team are responsible to ensure that the selected representative is able to perform all the day to day management-related responsibilities and complies with requirements associated with representing one Individual in directing services and supports.

The planning team and Fiscal Management Service organization (FMS) must recognize the individual's designated representative as a decision-maker and provide the representative with all of the information, training, and support it would typically provide to an individual who is self-directing. The representative must be informed of the rights and responsibilities of being a representative. Once fully informed the representative must sign an agreement, of which a copy must be given to the representative, and maintained by the FMS. The agreement lists the roles and responsibilities of the representative and must indicate that the representative accepts the roles and responsibilities of this function, and state that the representative will abide by the FMS policies and procedures. The designated representative must function in the best interest of the individual and may not also be paid to provide services to the individual. The individual can, at any time, revoke the agreement with the designated representative.

The SC is responsible for monitoring to ensuring that the designated representative is acting in the best interest of the individual.

**Support Broker**

A Support Broker (SB) is a service provided by an agency which provides the individual or their designated representative (DR) with information & assistance to secure the supports and services identified in the Individual Service Plan (ISP). The Support Broker does not do these tasks for the individual/ designated representative, but provides information and assistance in order for the individuals/DR to fulfill their employer related responsibilities. The goal for everyone in SDS is to move towards 'Independence' and for individuals and families to have the support they need in order to self-direct services. A Support Broker may not be a parent, guardian or other family. They cannot serve as a personal assistant or perform any other waived service for that individual. A Support Broker provides the individual or designated representative with information and assistance to:

- Recruit, interview, hire and train personal assistants under the individual's direction and according to his/her specifications
- Explore and access community resources
- Establish work schedules for the individual's employees based upon their ISP
- Help manage the individual's budget when requested or needed
- Seek other supports or resources outlined by the individual's ISP

The support broker must have completed Division DD approved training in the following areas:

- ability, experience and/or education to assist the individual/designated representative in the specific areas of support as described in the Individual Service Plan
- competence in knowledge of Division of DD policies and procedures: abuse/neglect; incident reporting; human rights and confidentiality; handling emergencies, prevention of sexual abuse, knowledge of approved and prohibited physical management techniques
- understanding of support broker responsibilities, of advocacy, person-centered planning, and community services
- understanding of individual budgets and Division of DD fiscal management policies

This service can be authorized for up to 8 hours per day (32 quarter hour units).

**INDIVIDUAL SUPPORT PLAN (ISP)**

The ISP provides a framework for which individuals, in partnership with their support team can identify the supports necessary to meet their needs. All supports, paid and natural, should be identified to assist the individual in achieving the life they would like to have. It is recognized that each ISP will reflect the degree of information available at any given time. Therefore, information will continue to be gathered and added as more learning takes place. **For a list of what information needs to be in the ISP please see ISP Guide section on SDS at <http://dmh.mo.gov/docs/dd/ispguide.pdf>**

### **WHAT SERVICES CAN BE SELF-DIRECTED?**

Individuals may self-direct personal assistance, enhanced medical personal assistance; personal assistance team collaboration & community specialist. Complete service definitions are located in the waiver manual <http://dmh.mo.gov/dd/manuals/waivermanuals.html>.

There are “SDS Employee Job Descriptions with Pre-employment Training Requirements” outlining requirements for each service at <http://dmh.mo.gov/dd/progs/selfdirect.html>. These documents are also used as tools for planning.

### **Who can be a SDS employee?**

Anyone over age 18 with a High School diploma or GED (degree required for Community Specialist) who the individual or their designated representative chooses to hire, with the following *exceptions*:

- An individual’s spouse
- An individual’s parents if they are a minor
- An individual’s legal guardian
- The individual’s designated representative
- Anyone with a felony or charge which is disqualifying

### **Relatives as Employees**

Personal assistant services may be provided to a person by a member(s) of his or her family when the ISP reflects:

- The individual is not opposed to the family member providing services;
- The services to be provided are solely for the individual and not household tasks expected to be shared with people living in family unit;
- The planning team determines the paid family member providing the service, best meet the individual’s needs
- A family member will only be paid for the hours authorized in the service plan and at no time can these exceed 40 hours per week. Any support provided above this amount would be considered a natural support or the unpaid care that a family member would typically provide.

Family members can be hired to provide personal assistant services only.

Family is defined as: A family member is defined as a parent, step parent; sibling; child by blood, adoption, or marriage; spouse; grandparent; or grandchild.

### **INDIVIDUAL BUDGETS**

Each individual has budget authority which allows them to choose how they want to use the money which has been allocated for support based upon needs identified in their ISP. Historically, an individual’s choices were limited to established programs. Costs were attached to the programs (i.e., day habilitation, residential habilitation, personal assistant, etc.) but not the individual. Identifying the individual’s needs and how they will be met through formal and informal supports leads to the development of an individualized budget.



Once the pattern and intensity of support needs are identified and “Desired Outcomes” have been established, the process of determining how these needs will be met and outcomes achieved begins. The support coordinator works with the individual and/or their designated representative to create budget scenarios using the different funding sources which are available, including the individual’s own resources, as well as paid and non-paid supports.

In many cases, an individual or designated representative may want or need additional assistance in learning to direct their supports. The Support Broker does not do these tasks for the individual/designated representative, but provides information and assistance in order for the individuals/DR to fulfill their employer related responsibilities. The goal for everyone in SDS is to move towards ‘Independence’ and for individuals and families to have the support they need in order to self-direct services. A [support broker assessment](#) is used to determine what supports are needed in order for the individual/designated representative to be successful in self-directing supports. Please note that agency support broker services are not part of the Self-Directed Individualized Budget Allocation.

### **Creating the Self-Directed Individual Budget Allocation**

The support coordinator and the individual and/or designated representative will work together to develop an individual budget. They will create budget scenarios to provide concrete examples of different ways to use funding resources and waiver services. Some find the process of developing a budget confusing and overwhelming, while others enjoy trying to piece the puzzle together.

Following are the steps in creating the Self-Directed Individual Budget Allocation:

- Establish the “Desired Outcomes” of the individual.
- Determine which supports are critical to achieving goals, maintaining health and safety, and which supports are merely preferred.
- Determine how these supports can be achieved through relationship based supports, technology, community resources and lastly through eligibility based supports.
- If eligibility based supports are needed, State Plan Medicaid services must be accessed before HCBS waiver services can be used.
- Determine which waiver services best meet the individual’s needs. Remember that self-directed supports can be combined with other agency supports as long as there is not duplication in services.
- Determine the pattern and intensity of the support needs to meet these “Desired Outcomes”. The [Personal Assistance Assessment with Training Exemptions](#) and “[Community Specialist Assessment](#)” are tools to be used to determine total number of hours needed for the span date of the ISP.
- The total number of hours needed are multiplied by the self-directed statewide individual hourly allocation rate in order to determine the total **Self-Directed Individualized Budget Allocation**. This is done by using the **SDS Individual Allocation Tool**  
<http://dmh.mo.gov/dd/progs/selfdirect.html>



**Employee Pay Rate Setting**

Once the **Self-Directed Individualized Budget Allocation** is determined the individual/DR determines the rate that they will pay their employees.

The following are factors that an individual or their designated representative, enrolled in Self-Directed Supports, should consider when establishing hourly pay rates for employees they hire to provide a self-directed service:

- 1) Determine a pay rate that allows for maintaining quality employees, yet fits within the individual's budget.
- 2) Do you want to plan for periodic salary increases based on employee performance? If so, this will need to be taken into account when setting an initial hourly pay rate for the employee.
- 3) A budget calculator on the FMS website

<http://www.publicpartnerships.com/programs/missouri/sds/index.html> is used to ensure:

- a) Employees must be paid at least the current minimum wage in Missouri.
- b) Employers portion of costs (loaded rate) is factored in to the full budget cost
  - Employer portion of federal and state FICA (Medicare and Social Security),
  - Federal and state unemployment insurance (FUTA & SUTA)
  - Workers compensation insurance,
- c) Loaded rate does not go over Medicaid maximum billable amounts for each self-directed service type.

**VENDOR FISCAL/EMPLOYER AGENT (F/EA)**  
**FINANCIAL MANAGEMENT SERVICE (FMS)**

The Centers for Medicare and Medicaid Services (CMS) defines Financial Management Services as:

*A service/function that assists the family or participant to: (a) manage and direct the distribution of funds contained in the participant-directed budget; (b) facilitate the employment of staff by the family or participant by performing as the participant's agent such employer responsibilities as processing payroll, withholding and filing federal, state, and local taxes, and making tax payments to appropriate tax authorities; and (c) performing fiscal accounting and making expenditure reports to the participant and/or family and state authorities.*

Everyone who self-directs their supports uses the single Vendor Fiscal/Employer Agent (F/EA) Financial Management Service (FMS) organization. The FMS organization performs as the *agent* to the employer assisting the individual and/or their designated representative in managing some of the financial responsibilities of being an employer. For example, they assist with:

- Managing the individual's budget;
- Processing and completing employer enrollment and employee human resource related forms;
- Processing prospective employees' background checks;
- Verifying prospective employees' citizenship and legal alien status;

- Verifying that employees meet Medicaid qualifications and have received required training;
- Processing and distributing employees' payroll and filing and paying associated federal and state income tax withholding and employment taxes; and
- Facilitating the receipt of a workers' compensation insurance policy and payment of premiums for the individual and their employees.
- Beginning 2016 the FMS will maintain service documentation on behalf of the employer.

Additionally, the FMS organization will provide the individual/designated representative with monthly spending reports to help keep track of the budget.

### **DOCUMENTATION REQUIREMENTS**

All services provided must be adequately documented. The documentation must be sufficient so that it is understandable, explains what was provided, and can be verified with reasonable certainty that the services were in fact provided.

The individual/designated representative is responsible for ensuring adequate documentation in accordance with the Waiver manual is maintained. All documentation is maintained by the employer (individual or their designated representative) and must be maintained for a period of 6 years. *(Please note starting February 2016 the Fiscal Management Service Provider will maintain service documentation for the individual/designated representative.)*

The employee providing the SDS service is responsible for writing daily documentation.

Documentation maintained by the employer\* includes:

- Mandatory Documentation sheets are signed by the employee. These describe various covered activities or services in which the individual participated, progress towards goals, and unusual events.
- Monthly summary and budget tracker which describes progress on the individual's ISP goals and objectives, overall status of the individual, and tracks service usage/dollars spent.

*\* Please note starting with calendar year 2016 the Fiscal Management Service Provider will maintain service documentation for the individual/designated representative.*

### **THE RESPONSIBILITIES OF THE SUPPORT COORDINATOR**

The SC is responsible for all elements of the person-centered planning process, the monitoring of health and safety, completing service monitoring (at least quarterly), and ensuring documentation requirements for each service are met. The service coordinator will also ensure the option of self-directing supports is given to all individuals who receive waiver funded services.

Specific responsibilities include:

- Complete all required Medicaid Waiver and Utilization Review process paperwork for budget approval.
- Complete monitoring within one month of new service and set up monitoring schedule with the individual/designated representative no less than quarterly.
- Complete EMTs for unusual events.
  - Any employee paid to provide Medicaid Waiver services is required to report any events that could jeopardize an individual's health or safety. If any unusual events occur, the employee must notify the SC or the office on-call staff as soon as possible:
- Conduct face-to-face service monitoring visits at least quarterly and complete case note. Reference Quality Enhancement Section in the Service Coordinator Manual for more details.
  - If there is an issue of concern, follow your local procedures for reporting of issues.
  - Issues of concern will be entered into APTS and the SC will be responsible for remediation & follow-up.
  - Case notes should reflect observations related to the following key areas:
    - **Environment** – Are there health & safety concerns; is the individual's home adapted to meet their needs, etc?
    - **Individual rights** – Are the individual's rights respected and protected? If there is a designated representative are they serving the best interest of the individual?
    - **Staff and services** – Is the employer maintaining all paperwork & documentation? Is it accurate & up to date? If family members are providing services, is it provided in the best interest of the individual?
    - **Money** – Are the individual's services being provided within the parameters of their budget?
    - **Health & safety** – Have there been reports of unusual events; has the team followed up? Has the individual experienced major changes that may influence support needs?

### **SELF-DIRECTED SUPPORT IMPROVEMENT PLAN**

When multiple issues have been identified, a pattern of issues repeatedly occurring, or serious situation that must be corrected a Self-Directed Supports Improvement Plan must be completed. The Improvement Plan will be jointly developed with the individual and/or designated representative, Support Coordinator, and the Self-Directed Support Coordinator (SDSC). The regional office SDSC will facilitate this process. Issues may be identified during monitoring visits, event reports, provider relation and MMAC reviews or issues reported by the FMS.

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#### **VOLUNTARY AND INVOLUNTARY TERMINATION OF SELF-DIRECTED SUPPORTS**

**Voluntary Termination:** If the individual or their designated representative decides they do not want to continue self-directing supports, they may stop at any time. The SC will begin that process and will assist in transitioning to agency-based services if that is what is desired.

#### **Involuntary Termination of Self-Directed Services:**

In the event the planning team determines the individual's health and safety is at risk, there are concerns regarding their willingness to ensure employee records are accurately kept, or that they are unwilling to supervise employees in order to receive services according to the plan, the choice of self-directing supports may be terminated.

The option of self or family direction may be denied or terminated under any of the following conditions:

- (A) The ISP team determines the health and safety of the individual is at risk;
- (B) There are concerns regarding the participant/guardian or designated representative's ability or willingness to ensure employee records are accurately kept;
- (C) The participant/guardian or designated representative is unable or unwilling to supervise employees to receive services according to the plan;
- (D) The participant/guardian or designated representative is unable or unwilling to use adequate supports or unable or unwilling to stay within the budget allocation; or
- (E) The participant/guardian or designated representative has been the subject of a Medicaid audit resulting in sanctions for false or fraudulent claims under 13 CSR 70-3.030 Conditions of Provider Participation, Reimbursement, and Procedures of General Applicability, Sanctions for False or Fraudulent Claims for MO HealthNet.

Before terminating self-directed supports, the SC and other appropriate staff will first counsel the individual to assist them in understanding the issues, let them know what corrective action is needed, and offer assistance in making changes. If SDS is terminated, the same level of services will be offered to the individual through a traditional agency model.